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9	BEFORE THE BOARD OF REGISTERED NURSING	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		2010-20
12	In the Matter of the Accusation Against:	Case No. 2013-750
13 14	ERIK CHRISTOPHER BROWN 8877 Spectrum Center Blvd. Apt. #11310 San Diego, CA 92123	ACCUSATION
15	Registered Nurse License No. 644175	·
16	Respondent.	
17		
18	Complainant alleges:	
19	PARTIES	
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
21	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
22	Consumer Affairs.	
23	2. On or about September 1, 2004, the Board of Registered Nursing issued	
24	Registered Nurse License Number 644175 to Erik Christopher Brown (Respondent). The	
25	Registered Nurse License expired on March 31, 2006, and has not been renewed.	
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Accusation

JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not

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being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Out Of State Discipline)

- 8. Respondent has subjected his Registered Nurse License to disciplinary action under Code section 2761, subdivision (a)(4), in that his license to practice nursing in North Carolina was disciplined by the State of North Carolina Board of Nursing (North Carolina Board) in a disciplinary action, which resulted in his license being voluntarily surrendered. The circumstances are as follows:
- 9. The North Carolina Board issued registered nurse permanent license number RN 235541 to Respondent.
- 10. On April 11, 2011, the North Carolina Board took disciplinary action against Respondent's registered nurse permanent license in a matter entitled, Acceptance of Voluntary Surrender, by accepting Respondent's voluntary surrender of his nursing license and making such surrender a public record under the North Carolina Public Record Statute, General Statutes Chapter 132 and North Carolina Board policy.
- 11. The facts that led to the discipline are as follows. On April 11, 2011, Respondent submitted a letter to the North Carolina Board stating his desire to voluntarily surrender his license to practice nursing in North Carolina. Respondent understood that the voluntary surrender of a license is considered a discipline action and by voluntarily surrendering the license, he was waiving all rights to seek judicial review as to otherwise challenge the validity of the discipline action.
- 12. On April 11, 2011, the North Carolina Board entered an Acceptance of Voluntary Surrender for Respondent as its order in resolution of the disciplinary action. In the Acceptance of Voluntary Surrender, Respondent voluntarily surrendered his permanent license to practice as a registered nurse in the state of North Carolina for at least one year. Respondent was required to meet all conditions of reinstatement as outlined by the North Carolina Board.

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SECOND CAUSE FOR DISCIPLINE

(Out Of State Discipline)

- 13. Respondent has subjected his Registered Nurse License to disciplinary action under Code section 2761, subdivision (a)(4), in that his license to practice nursing in Florida was disciplined by the State of Florida Board of Nursing (Florida Board) in a disciplinary action, which resulted in his license being voluntarily relinquished. The circumstances are as follows:
- 14. On December 21, 2007, the Florida Board issued license number RN9271814 to Respondent to practice as a registered nurse in Florida.
- 15. On March 20, 2012, the State of Florida Department of Health (DOH) took disciplinary action against Respondent's registered nurse license in a matter entitled, *Department of Health, Petitioner, v. Erik C. Brown, R.N., Respondent, Case No. 2011-06821*, by filing an Administrative Complaint against him under Florida Statutes (FS), Chapters 464 and 456, section 20.43, nursing practice regulation. Respondent was charged with having his North Carolina Registered Nurse License subjected to discipline, which constitutes grounds for disciplinary action under FS, section 464.018, subdivision (1)(b), out of state discipline.
- 16. The facts that led to the discipline action are set forth in paragraphs 8 to 12, above, which are incorporated by reference.
- 17. On June 22, 2012, Respondent offered to relinquish his license to practice nursing in the State of Florida to avoid further administrative action in DOH Case Number 2011-06821. On August 2, 2012, a voluntary relinquishment was signed by Respondent and accepted by the Board as a resolution of the pending administrative complaint. The voluntary relinquishment was considered discipline under FS, section 456.072, subdivision (1)(f).
- 19. On August 7, 2012, the Florida Board issued a Final Order accepting the voluntary relinquishment as a resolution of Case Number 2011-06821.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

Accusation